

IMAZUKA -- 10/679,274
Client/Matter: 009270-0306173

REMARKS

Claims 11 and 12 were pending and rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,450,404. As suggested by the Examiner, Applicant submits the attached terminal disclaimer to overcome this rejection. Entry of the this response and accompanying terminal disclaimer is appropriate under 37 CFR 1.116 because (a) it places the application in condition for allowance for the reasons discussed above; (b) it does not raise any new issues that would require further consideration and/or search; (c) it does not add any claims without canceling a corresponding number of claims; and (d) it places the application in better form for appeal, should an appeal be necessary. The terminal disclaimer was not earlier presented as it is filed in response to a double patenting rejection raised in the Final Rejection. Entry of this response and the accompanying terminal disclaimer is thus respectfully requested.

In view of the foregoing, Applicant respectfully requests the withdrawal of the double patenting rejection and final rejection and allowance of the pending application.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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Date: January 24, 2005
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